

SENATE BILL 1850

By Crowe

AN ACT to amend Tennessee Code Annotated, Title 53,
Chapter 1 and Title 53, Chapter 8, Part 1, relative
to health standards.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 53-1-102(29), is amended by adding the following language to the end of the subdivision:

"Selling" does not include infrequent casual sales of nonpotentially hazardous foods at farmers' markets as provided in § 53-8-117.

SECTION 2. Tennessee Code Annotated, Section 53-8-117, is amended by deleting the section in its entirety and by substituting instead the following:

53-8-117.

(a) As used in this section, unless the context otherwise requires:

(1) "Nonpotentially hazardous foods" means jam, jellies, candy, baked goods, dried mixes, cheeses, spices, certain sauces and liquids, and other such foods that do not meet the definition of potentially hazardous foods; and

(2) "Potentially hazardous food" means any perishable food that consists, in whole or in part, of milk or milk products, eggs, meat, poultry, fish, shellfish or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms.

(b) Notwithstanding any law, rule or regulation to the contrary, nonpotentially hazardous foods prepared in a home based kitchen may be sold at farmers' markets located in this state.

(c) All nonpotentially hazardous foods prepared in a home based kitchen may be subject to inspection by the commissioner of agriculture or the commissioner's designee. Whenever the commissioner of agriculture or agent finds after investigation that the distribution in this state of such foods may, by reason of contamination with microorganisms during manufacture, processing or packing, be injurious to health, the commissioner may prohibit the sale of such foods until an inspection of the facility in which such food was prepared is made and the contamination is eliminated.

(d) A home based kitchen shall:

(1) Not allow any pets in the kitchen at any time;

(2) Have hot and cold running water in restroom and hand washing facilities that is easily accessible from the processing area;

(3) Not have any hand washing conducted in the kitchen sink;

(4) Maintain a thermometer in the refrigerator to monitor temperatures;

and

(5) Have a functioning sewer or septic tank system to carry away waste.

(e) A domestic kitchen shall comply with all applicable zoning and business license requirements.

(f) All nonpotentially hazardous foods from a home based kitchen may be distributed as free samples.

(g) An individual who processes nonpotentially hazardous foods in a home based kitchen shall have adequate knowledge of safe food handling practices. Such individuals are encouraged but shall not be required to complete a food safety course.

(h) Vegetables, fruits, nuts and other such products produced on a farm and nonpotentially hazardous foods from a home based kitchen may be sold in a condition

where such foods are ready for consumption or require additional preparation before consumption.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.